REMARKS

INTRODUCTION

Claims 1-15 were previously and are currently pending and under consideration.

Claims 1-15 are rejected.

Claims 1, 6, 8, 11-13, and 15 are amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

Regarding the following arguments traversing the prior art rejections, even if new grounds of rejection are found, the MPEP states that "[t]he examiner must, however, address any arguments presented by the applicant which are still relevant to any references [still] being applied" (MPEP § 707.07(f)). Applicant respectfully requests a response to each of the following arguments that may remain relevant with respect to Ooki or the other prior art references.

REJECTIONS UNDER 35 USC § 102

In the Office Action, at pages 2-3, claims 1, 3-6, 8, 10, 11, and 13-15 were rejected under 35 U.S.C. § 102 as anticipated by Gase. This rejection is traversed and withdrawal is requested.

GASE DOES NOT NOTIFY CLIENT OF PROCESSING RESULTS SENT FROM PERIPHERAL TO CLIENT

Claim 1, for example, recites that the server "sends said instruction information to said operating client ... sends the instructions received from said operating client via said communicating part to said peripheral apparatus and receives from said peripheral apparatus processing results of said peripheral apparatus performing the instructions", where the server sends the results to the client.

Gase discusses obtaining information on the status of a printer when the printer is selected by positioning a cursor. See column 5, lines 4-19. Gase also states at column 2, lines 23-26, that "a file server is included that allows central administration and updating of printer driver installations". In other words, Gase's server is intended to manage printer drivers. Gase does not disclose sending processing results, for example results of a printer processing a print

command or instruction, from the printer/peripheral, to the server, and then from the server to the client that issued the instruction corresponding to the processing results. In claim 1, the server mediates client-peripheral exchanges of both the instruction information and the peripheral's result of performing the instruction information. Gase does not disclose this feature, and it does not suggest it because it is only concerned with printer configuration for a client rather than mediating operation and corresponding results of a peripheral by a client by way of a server.

Withdrawal of the rejection of claims 1, 6, and 8 is respectfully requested.

Claim 11 recites sending an operating command from the client to the server, which in response sends the operating command to the peripheral device. The response is sent using an e-mail. None of the prior art references, alone or in combination, recite using an e-mail to send a response to an operating command. Withdrawal of the rejection of claim 11 is respectfully requested.

CLAIMS 3, 4, 12, AND 14: GASE DOES NOT PERFORM PROTOCOL ACCOMMODATION AT SERVER TO ALLOW CLIENT AND ITS OPERATED PERIPHERAL TO COMMUNICATE USING DIFFERENT PROTOCOLS

Although claims 3 and 4 were rejected in further view of Ooki, only Gase was cited as providing the protocol features discussed below. Therefore, the arguments below are equally applicable to each of claims 3, 4, 12, and 14.

Claim 12 recites "wherein the server is adapted to communicate with the client via a first network using a first protocol and to communicate with the peripheral apparatus via a second network by using a second protocol". Claims 3 and 4 recite that the server "accommodates a difference between communication protocols of said client and said peripheral apparatus *to be operated by said operating client*". For example, if a peripheral device is communicating with the server using AppleTalk, and a client operating the peripheral is communicating with the server using TCP/IP, then the server can accommodate the difference.

Claim 14 recites the client using a first protocol, the peripheral using a second protocol, and the server handling the communication between them. This feature of claim 14 was not addressed in the Office Action, however, because the rejection indicates that the feature is

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rejected based on Ooki, claim 14 is included in this discussion.

The rejection cites column 4, lines 29-50 of Gase as disclosing the protocol features mentioned above. The cited portion of Gase discusses providing the server with a modular/multiprotocol I/O card (interface) to accommodate different protocols of printers. The card 30 includes all the network information needed to connect with the server. Claims 3, 4, 12, and 14 recite the server having features that accommodate communication between a client and a peripheral that are using different protocols.

Gase does not discuss what protocols the clients use. In the prior art, when a client communicates with a printer, the client is only capable of using the same network protocol that its printer uses. For example, when using an AppleTalk printer, a client uses AppleTalk, and when using a TCP/IP printer, the client uses TCP/IP. Gase does not teach anything different than the prior art. This understanding is confirmed both by the state of the prior art explained in the present specification, as well as user screen 50 (Figure 2) of Gase, which shows that printers are selected with a selection list ("PRINTER TYPE") based on the protocol types of printers (e.g. "NETWARE PRINTERS"). Because Gase mentions a multiprotocol server interface (I/O card 30) does not lead to a conclusion or require that a given client in Gase uses a protocol different from that of a printer that it is operating.

To elaborate further on the transport-level details described in Gase, consider that Gase describes a modular I/O plug-in card 30 to handle the protocols of the server (column 3, lines 29-50). The ability of Gase to handle multiple protocols for different corresponding *printers* does not imply or require that a client may have a protocol other than the protocol of the printer that it is using. The multi-protocol I/O card of Gase's server simply allows printers with different protocols to communicate with the server. Gase does not discuss or suggest a server controlling communications between a particular client and a particular printer where the particular client and the particular printer are cooperating using different protocols (accommodated by the server).

Withdrawal of the rejection of claims 3, 4, 12, and 14 is respectfully requested.

REJECTIONS UNDER 35 USC § 103

In the Office Action, at pages 3-4, claims 2, 7 and 9 were rejected under 35 U.S.C. § 103 as being unpatentable over Gase in view of Ooki. This rejection is traversed and reconsideration is requested.

CLAIMS 2, 7, AND 9: PRIMA FACIE CASE NOT MADE; NEITHER OOKI NOR GASE DISCLOSE SENDING A DRIVER FROM A PRINTER TO A SERVER THAT THEN MAKES THE DRIVER AVAILABLE TO CLIENTS WHEN A CLIENT MAKES A REQUEST

Claim 2, for example, recites that the server "obtains said operating instructions from said peripheral apparatus when said operating instruction information storing part does not have said operating instructions corresponding to said request".

The rejection remarks that "Gase ... teaches if the driver is not available on the server uploading the driver from another location" (p. 3, item 5 of the Office Action). The administration utility 28 is the only means discussed in Gase for adding a missing driver to the library 38. Column 4, lines 27-34 of Gase discuss the administration utility running on a different host that is used, apparently manually (as most "utilities" are), to load new drivers into the server. This is different from claim 2's server obtaining the operating instructions from the peripheral apparatus when a client attempts to operate the peripheral.

Ooki was cited only for the feature of a printer storing its own driver. Ooki relates to selecting a printer. Unlike claims 2, 7, and 9, Ooki does not obtain operating instructions for operating a peripheral apparatus. The "printer-information" in Ooki is stored in the printer-information storage unit 10, which, in contrast, is different from a printer driver that is stored in the printer selection unit 106 (column 3, lines 8-12; Figure 1).

Furthermore, Ooki describes that the information relating to characteristics of printers may be distributed with an OS or printer driver (column 6, lines 4-20). However, this distribution is intended to gather information on the printers to be stored in the printer-information storage unit 104 from storage medium such as ROM of the printers. Ooki does not discuss the OS or printer driver being obtained from its printers by transmission. Consider that storing OS and printer drivers usually requires a large capacity storage unit and transmission from a separately provided storage medium.

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Withdrawal of the rejection of claims 2, 7, and 9 is respectfully requested.

CLAIMS 2, 7, AND 9: PRIMA FACIE CASE NOT MADE; MOTIVE TOO GENERAL AND NOT FOUND IN PRIOR ART

In order to make a prima facie case of obviousness, a motive in the prior art must be provided. The motive must be one showing the desirability of making the proposed modification or addition. The rejection of claims 2, 7, and 9 states that one would be motivated to add Ooki to Gase because "this would have allowed for quickly adding of new printers". However, this motive is not provided from the prior art and is given without any citation to a prior art reference. Furthermore, the reference is too general.

MPEP §2143.01 which summarizes recent Board and court decisions in which it has been held that "an assessment of basic knowledge and common sense that is not based on any evidence in the record lacks substantial evidence support." The entire discussion of the motive to add Ooki is not supported by any evidence in the record. The speed benefit follows from the combination itself, not from uncombined prior art. Conclusory statements of motivation do not constitute sufficient factual findings. Also, as discussed, the rejection incorrectly characterizes Gase as discussing obtaining drivers from outside the library when they are unavailable. Gase does not discuss this problem.

Furthermore, a motive of improving quickness is applicable to almost any computing objective. If it were proper to combine the prior art only because an increase in performance is generally desirable, then most innovations would be rendered obvious. Such a general motive is not proper. In Ex parte Humphreys (24 USPQ 2d 1255), the Board held that an Examiner must provide specific reasons to support an obviousness rejection. The Board stated that "[t]he examiner's rejection is not specific as to how one of ordinary skill in the art would have found it obvious to practice any specific method within the scope of these claims as of the filing date of this application ... the examiner has not explained with any specificity ... how [the prior art would have suggested the combination]". In the rejection, the Examiner is in effect saying that it would be obvious to add the printer-stored drivers of Ooki because there is a general motive to make things faster. However, most computing innovations would become obvious using this rationale. A more specific motive in the prior art must be provided.

Withdrawal of the rejection of claims 2, 7, and 9 is further respectfully requested.

MISCELLANEOUS

For the record, Applicant respectfully submits that the present claims are not limited to non-wireless communications or other particular types of communication mediums; the claims cover both wireless and non-wireless communications. Applicant respectfully requests comment from the Examiner if the claims are being interpreted otherwise.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.
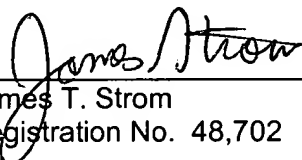
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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